

Ka Pa‘akai Analysis

Article XII, Section 7 of the Hawai‘i Constitution obligates the State Land Use Commission (LUC) to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district boundaries. In order to effectuate the State’s obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests, the Hawai‘i Supreme provided the following analytical framework as an outcome of *Ka Pa‘akai O Ka‘aina v. Land Use Commission* (94 Hawai‘i 31, 7 P.3d 1068, September 11, 2000). The framework is referred to as *Ka Pa‘akai Analysis* and consists of three parts:

1. Identify the scope of “valued cultural, historical and natural resources” in the petition area, including the extent to which traditional and customary rights and practices are exercised in the affected area;
2. Determine the extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
3. Identify feasible actions, if any, that should be taken by the LUC to reasonably protect Native Hawaiian rights and practices if they are found to exist.

The Applicant, Brigham Young University – Hawai‘i (BYU-H), is processing an application to amend the SLU District Boundary to transfer approximately 14.85 acres from the State Land Use (SLU) Agricultural District into the SLU Urban District to accommodate the planned expansion of the BYU-H campus. The proposed boundary amendment involves five non-contiguous areas located adjacent to the existing SLU Urban District within TMK parcel [1] 5-5-06: 005 and 032, as listed in **Table 1** and shown on **Figure 1**. In addition, to regularize the SLU boundary, a 0.03-acre triangle located on West Road Loop Extension is proposed to transfer from the SLU Urban to Agricultural District.

Table 1: Proposed SLU Urban District Expansion Areas

Description	Area (ac)
North area: grassed area for expansion of married student housing (future)	0.12
Northwest area: one married student apartment (proposed) and parking lot (existing)	0.50
West area: parking lot, grassed detention area and Electric Utilities Transformer and Telecommunications Building (EUTTB) (existing)	2.70
Southeast area: Polynesian Cultural Center parking lot (existing)	1.53
South area: three single student dormitories (proposed)	10.00
Total Proposed Campus Expansion Area	14.85

On behalf of Applicant, BYU-H’s representatives, Hawai‘i Reserves, Inc. (HRI), and planning consultant, R. M. Towill Corporation (RMTc), conducted consultation with kūpuna from Lā‘ie who have knowledge of traditional cultural practices and resources in the petition area, and conducted background studies, including an archaeological inventory survey and archaeological literature review and field inspection, to assist decision makers to fulfill the *Ka Pa‘akai Analysis* requirements for the subject SLU District Boundary Amendment Application.

Interview with Ms. Kela Ka‘io Miller and Mr. Cy M. Bridges

On December 3, 2018, representatives for BYU-H, Mr. Eric Beaver of HRI and Mr. Jim Niemann, planner with RMTTC, met with Ms. Kela Ka‘io Miller and Mr. Cy Bridges at the HRI offices in Lā‘ie, O‘ahu and accompanied them on a site visit to the Petition Areas and vicinity. On February 27, 2019, Ms. Miller and Mr. Bridges met with Mr. Beaver at HRI’s office to review and approve the written record of their December 3, 2018 site visit. Mr. Niemann participated in the meeting by phone. The following information was shared by Ms. Miller and Mr. Bridges.

Ms. Kela Ka‘io Miller was born and grew up in Lā‘ie. She is a member of the Ka‘io ‘Ohana which has lived in Lā‘ie for many generations. The Ka‘io ‘Ohana is part owner, along with BYU-H, of a kuleana lot that is located within the BYU-H campus lands near the petition area. The kuleana lot was granted to her great-great grandfather Amaka Ka‘io in the 1850s and has been passed down through the generations. Ms. Miller is recognized in Lā‘ie and throughout the state as a trusted authority on traditional and contemporary Hawaiian cultural practices, as a community leader with service on the Ko‘olauloa Neighborhood Board and numerous planning advisory groups and community organizations, as a peace maker and as a repository of historical knowledge and cultural protocols in the Lā‘ie community.

Mr. Cy Bridges was born on March 3, 1951 and grew up in Lā‘ie. His family has lived in the Lā‘ie and Hau‘ula area for many generations. He is a respected kumu hula, chanter, and cultural practitioner recognized throughout the state. His halau, Hui Ho‘oulu Aloha, has participated in numerous cultural and hula events and has been recognized at the King Kamehameha Hula & Chant competition and at the Merrie Monarch Festival. Mr. Bridges was employed for over 46 years at the Polynesian Cultural Center, and retired as Director of Protocol overseeing the cultural training and presentations of all cultural areas represented at the PCC. He is fluent in the Hawaiian language and has lectured and given presentations on Hawaiian culture, cultural protocol, traditions, oral histories and especially mo‘okū‘auhau (genealogy), throughout Hawai‘i and abroad. He has served as a judge for a number of cultural events and competitions in Hawai‘i and overseas, including at the Merrie Monarch Festival. Mr. Bridges is a respected community leader having served on the O‘ahu Island Burial Council for three Administrations, on the Ko‘olauloa Neighborhood Board and on the Ko‘olauloa Planning Advisory Committee with the City and County of Honolulu.

General Comments

Ms. Miller and Mr. Bridges noted that before the University was developed, the project area was generally used for agriculture. It was either in sugar cane cultivation, was cultivated as part of various families’ personal garden plots, or was just naturally growing vegetation on undeveloped land. In pre-contact times, the area was populated and some of the land was cultivated in traditional fashion, including taro lo‘i and other food crops. The only traditional cultural or historic resource or *wahi pana* in the general area that Ms. Miller and Mr. Bridges are aware of is Ni‘oi Heiau. By the time they were children, the heiau was abandoned and there weren’t any cultural practitioners using the heiau for religious rituals or other cultural practices. They are aware that traditional burials were found near Ni‘oi Heiau, but otherwise aren’t aware of any traditional burials in the mauka areas or project area. Traditional burials were mostly on the shoreline. As children, they weren’t allowed to go up to the area around the heiau as it was too

remote. They were sometimes sent by their parents or elders to various areas in the project vicinity and further afield to gather plants for use in food or medical treatments, or to retrieve stray farm animals.

Following the initial discussion with Ms. Miller and Mr. Bridges at the HRI office, Ms. Miller, Mr. Bridges, Mr. Beaver and Mr. Niemann drove to each of the petition areas for additional observation and discussion about existing conditions and traditional cultural resources and practices.

Petition Area 1

Petition Area 1 is 0.12-acre graded, grassed area with a concrete slab, mango tree and plum tree. The grassed open space area is located north and adjacent to Temple View Apartment (TVA) Building No. 25 married student apartments. East of the grassed area is the TVA driveway and parking lot. Northeast of the area are the Na Hale Kumu 1 Faculty Townhouses. Northwest of the area is the Lā‘ie Stake Farm. A graded drainage channel runs along the west boundary of the area; further west of the area is undevelopable open space and approximately 450 feet to the southwest of the area is the Lā‘ie Wastewater Reclamation Facility (LWRF). See **Photos 1 and 2**.



Photo 1 – Petition Area 1, Aerial View Looking West



Photo 2 – Petition Area 1, view looking west

Petition Area 1 observations by Ms. Miller and Mr. Bridges:

Ms. Miller and Mr. Bridges do not remember a house at this site. The concrete slab could be remnant of the old sugar mill. They noted that plum and mango trees were planted by families throughout the area, although plum was not as common. They noted that a typical way to prepare plum is by mashing the fruit with shoyu, sugar and vinegar, or just pick it off the tree and eat it. Another plant they recognized at this site is *waiwi* (strawberry guava, *Psidium cattleianum*), which is common throughout the area. Waiwi fruit can also be eaten right off the tree. Ms. Miller and Mr. Bridges both noted that there are no known traditional cultural resources or practices at Petition Area 1.

Petition Area 2

Petition Area 2 is a 0.50-acre area containing a graded, grassed open space area and a portion (20 stalls) of an existing, 34-stall paved parking lot that serves the TVA 21, 22 and 23 married student apartments, and serves as a general campus parking lot managed by permit. The existing parking lot is located adjacent to TVA 21 and 22 married student apartments to the east. TVA 23 married student apartment is located across Mikioneli Way to the north. West of the parking lot is a graded and grassed open space area used for drainage detention and the recently completed extension of Mikioneli Way, which serves as a perimeter road along the west side of campus and provides access to agricultural uses further west. South of the parking lot is a continuation of the graded, grassed open space. The Stake Center and campus pavilion are located nearby to the east. See **Photos 3 and 4**.



Photo 3 – Petition Area 2, view looking east-south-east



Photo 4 – Petition Areas 2, 3 and 4, view looking south-east.

Petition Area 2 observations by Ms. Miller and Mr. Bridges:

Ms. Miller and Mr. Bridges noted that this general area used to be cultivated in sugar cane and developed as part of the sugar plantation. There were no paved roads through the area, just the agricultural roads and trails. Ms. Miller and Mr. Bridges observed that Petition Area 2 is fully developed and noted that there are no known traditional cultural resources or practices within this petition area.

Petition Areas 3 and 4

Petition Area 3 is a 0.03-acre area located entirely within the developed road section of Mikioneli Way. This area is proposed for reclassification from the State Land Use Urban District to the Agricultural District in order to regularize the SLU boundary at that location. Petition Area 4 is a 2.7-acre developed area that contains an existing 112-stall gravel parking lot that serves as a general campus parking lot, a graded, grassed open-space area that provides drainage detention, and an existing Electric Utilities Transformer Telecommunication Building (EUTTB). The site has been subject to land use modification from campus development and does not contain vegetation or resources that are gathered or used for customary or traditional cultural practices. North of this area are grassed open space and the northwest area parking lot. Immediately to the east, in order from north to south, are the Heber J. Grant multi-purpose building, the Jonathan Napela Center Ceramic Art Studio, and the Science Building. The west and southwest side of the area is bounded by Mikioneli Way, which separates the area from the Ethnobotanical Garden and Biology Research Area and open agricultural land. Northwest of the parking lot across Mikioneli Way is the wastewater pump station, LPG storage facility and HECO substation. The southeast end of the area abuts Hale 2 and 9 single student dormitories. See **Photos 5, 6 and 7**.

Petition Areas 3 and 4 observations by Ms. Miller and Mr. Bridges:

Ms. Miller and Mr. Bridges made similar observations about Areas 3 and 4 as Area 2; prior to campus development, the area was in sugar cultivation or was naturally vegetated and undeveloped. The kuleana lot owned by the Ka‘io ‘Ohana is located nearby, outside of the petition area. When Ms. Miller was young, access to the kuleana lot was by trail; there was no road to access the lot. The lot was not used as a residence, but was used by Ms. Miller’s grandfather to gather plants. The children would sometimes be required to accompany their grandfather to the lot when their parents were away, but they generally didn’t like to go there because they were not allowed to make noise or play when they were there. Instead, they were only allowed to sit or were instructed to pull weeds. Sometimes their grandfather would make a contest to see who could pull the most weeds. Road access to the kuleana lot was developed with the campus.



Photo 5 – Petition Areas 2m 3 and 4, Aerial View Looking North



Photo 6 – Petition Areas 3 and 4, view looking north-east.



Photo 7 – Petition Area 4, view looking south-east.

In the general vicinity of Petition Area 4 and in the areas extending up to toward the ethnobotanical garden and Ni‘oi Heiau, a variety of naturally growing plants can be found that are used for food or for lā‘au lapa‘au (traditional medical treatment):

- Pōpolo (*Solanum americanum*) – Pōpolo berries, when ripe, can be eaten. Pōpolo is also used medicinally to treat muscle and joint aches.
- Maile Hohono (*Ageratum spp.*) – Maile Hohono is a weed that can be added to water to make a medicinal tea.
- Laukahi (plantain, *Plantago major*) – Laukahi is used as a poultice for cuts and wounds, and can be prepared as a tea to treat high blood pressure.
- Kīnehe (a species of Māmaki, *Bidens pilosa*) – The white flowers and roots of Kīnehe were used to brew tea. Ko‘oko‘olau, which is also used for tea, is a close relative of Kīnehe.
- ‘Uhaloa (long thighs, *Waltheria indica*) – ‘Uhaloa is boiled and used medicinally to treat sore throats and respiratory illnesses, or simply chew on the roots and it provides relief for sore throat.
- Ha‘uōwī (*Stachytarpheta cayennensis*) – Ha‘uōwī is used for pain and fractures. Typically the root would be mashed up and applied to an injury.

These were all commonly found plants, some of which grew near the residential areas as well as in the undeveloped areas. When they were growing up, the children were often given the chore of gathering the plants. They were instructed not to collect them near roads and developed areas, but to go into the mountains where the plants were healthier and less likely to be polluted. These plants are still commonly found throughout the Lā‘ie area.

During the site visit, a kukui tree (candle nut, *Aleurites Moluccana*) was observed from the road within the agricultural land adjacent to the campus. Ms. Miller and Mr. Bridges noted that traditionally every part of the kukui tree is used for something – roots, branches, wood, leaves, bark and sap. This is true of all natural vegetation in the forest, but Mr. Bridges observed that it’s easier now to go to City Mill or Longs. The kukui tree is still commonly used medicinally. The green sap from the tree is collected in a spoon and used to treat mouth thrush. They mentioned that banana trees can be similarly used to treat mouth thrush. The roots of the kukui tree are still used to make a red dye. Kukui wood was traditionally used to make spears and variety of other implements.

A noni tree (Indian mulberry, *Morinda citrifolia*) was also observed outside of the petition area in the adjacent agricultural land. Ms. Miller and Mr. Bridges noted that noni is a canoe plant that is collected and used in lā‘au lapa‘au. Noni can be eaten or used as a poultice. A large banyan tree (Chinese banyan, *Ficus microcarpa*) was also observed in the agricultural area not far from the Ka‘io ‘Ohana kuleana lot. Ms. Miller recalled that particular banyan tree from her childhood days. Ms. Miller and Mr. Bridges observed that the petition area is fully developed and noted that there are no known traditional cultural resources or practices within this petition area.

Petition Area 5

Petition Area 5 is a 10-acre area that contains inactive agricultural land and vacant open space. In recent years, the land has been used for commercial papaya cultivation. An existing wastewater

pump station and overhead HECO power lines are located along the west boundary. Quarry Road forms the south boundary. Immediately to the north of the area proposed for development of the new single student dormitories are the existing on-campus single-student dormitory complex, Hale 3 to 10. To the west is agricultural open space, Quarry Road and Waialele Stream. An existing reuse water pump station, and HECO easement containing overhead power lines are located along the west boundary of the proposed expansion area. The south boundary is defined by Quarry Road and Waialele Stream, south of which is agricultural land. East of the area is open space, a portion of which contains the LWRF leach field. See **Photos 8, 9 and 10**.

Petition Area 5 observations by Ms. Miller and Mr. Bridges:

Ms. Miller and Mr. Bridges noted that Petition Area 5 and surrounding areas have been in intermittent agricultural cultivation for as long as they can remember. They observed that the perimeter areas / fence line areas are overgrown with California grass (*Brachiaria mutica*), and sorghum grass (*Sorghum bicolor* or *Sorghum halepense*) which are introduced and weren't growing in the area when they were children. They also observed kolii (*Trematolobelia singularis*) which was also used medicinally, but you have to be careful. When they were young, only certain kupuna knew how to use certain plants. Certain families had reputations for making certain medicines and you'd go to them for special needs. Very few people still use or know how to make the traditional medicines like they did in the old days. Knowledge and use of certain plants for medicinal purposes still exists, such as kukui tree sap for mouth thrush, but, a lot of the knowledge is no longer commonly practiced and the kūpuna who knew those traditional practices and uses of the plants are gone. Ms. Miller and Mr. Bridges suggested talking to Auntie Gladys (Gladys Pualoa-Ahuna, 6th generation descendant of the first settlers of Lā'ie) about those practices.

Mr. Niermann shared information about the discovery of remnants of stone adzes and lithic scatter in Petition Area 5 during archaeological field work. Mr. Bridges noted that in the past, in pre-contact days, the whole area of Lā'ie may have been used at one time or another by native Hawaiians living their daily lives, raising families, constructing, cultivating, making things, and losing things, just as we continue to do today. He commented that many of the residents in the area have collections of stone tools and artifacts that they've found over the years; the presence of the pre-contact tool remnants is of interest, but doesn't indicate that the areas where they are found are currently used for traditional cultural practices. Ms. Miller and Mr. Bridges noted that there are no known traditional cultural resources or practices within the Petition Area 5.



Photo 8 – Petition Area 5 Aerial View Looking North.



Photo 9 – Petition Area 5, view looking north from Quarry Road.



Photo 10 – Petition Area 5 south boundary, view looking west along Quarry Road.

Petition Area 6

Petition Area 6 contains an existing, campus access road and 127-stall paved parking lot that abuts the back entrance to the Polynesian Cultural Center (PCC). The north end of the parking lot, containing an additional 64 stalls, is located within the existing SLU Urban District. The parking lot is leased by BYU-H to the PCC for employee use and is managed by permit. A two-way access road passes through the parking lot and provides access to the back of the campus. The campus facilities shop is located adjacent to north end of the parking lot. To the west is vacant open space, a portion of which contains the LWRF leach field. Immediately south is Quarry Road, which provides access to the parking lot and separates the parking lot from agricultural uses and Waialele Stream further south. Prior to development as a road and parking lot, the area was the location of quarrying operations. See **Photos 11, 12 and 13**.

Petition Area 6 observations by Ms. Miller and Mr. Bridges:

Mr. Bridges noted that the area occupied by the parking lot was previously a quarry site during the development of the BYU-H campus and Polynesian Cultural Center. Ms. Miller and Mr. Bridges observed that the petition area has been fully developed for many years and that there are no known traditional cultural resources or practices within this petition area.



Photo 11 – Petition Area 6, Aerial View Looking North



Photo 12 – Petition Area 6, view from upper parking lot looking south-east



Photo 13 – Petition Area 6, view from upper parking lot looking south south-west.

General Comments by Ms. Miller and Mr. Bridges regarding impacts and mitigation:

Ms. Miller and Mr. Bridges agree with the following observations:

- There are no known traditional cultural resources or native Hawaiian customary and traditional practices within the petition areas and no traditional cultural resources or customary and traditional practices will be affected or impaired by the proposed project.
- It’s likely that the general area around and including the petition areas was used in the past for traditional practices, such as gathering resources for lā‘au lapa‘au or subsistence purposes, but these areas haven’t been used in that fashion for many decades.
- Access to Ni‘oi Heiau, undeveloped mauka areas where medicinal plants can still be found, and the Ka‘io ‘Ohana kuleana lot is provided via the campus road system.
[Applicant note: Access to Ni‘oi Heiau for traditional cultural practitioners is preserved by BYU-H, subject to conditions established in the Ni‘oi Heiau Preservation Plan. The Preservation Plan was developed by BYU-H with guidance by the Lā‘ie Kūpuna Council and was approved by the State Historic Preservation Division.]
- The project will have no effect on access to historic and traditional cultural practices and resources.
- There are no concerns related to native Hawaiian customary and traditional cultural practices if the project proceeds.

Interview with Auntie Gladys Ku‘ulei Puakalehua Enos Pualoa Ahuna

On March 4, 2019, BYU-H representatives Mr. Beaver of HRI and Mr. Niermann of RMTC met with Auntie Gladys Pualoa Ahuna and her daughter Ui Pualoa at their home in Kona, island of Hawai‘i. Auntie Gladys was referred by Ms. Miller and Mr. Bridges in acknowledgement of her experience and leadership in Lā‘ie and following traditional protocol of respecting their elder kūpuna’s authority on history and culture in the community. Auntie Gladys is a sixth-generation descendant of the families who settled Lā‘ie and, at 90 years old, is currently one of the eldest living kūpuna from Lā‘ie. She was born in Honolulu and raised in Lā‘ie her entire life except for two or three years when she worked in Honolulu and the past few years that she has lived with her daughter Ui Pualoa in Kona. She lived in Lā‘ie as it transformed from a small village of several hundred mostly Hawaiian and Samoan families to its current population of approximately 6,000. She worked as a clerk in the Lā‘ie Post Office for over 20 years before becoming Postmaster of the Ka‘a‘awa Post Office and ultimately Postmaster of the Lā‘ie Post Office. Throughout her years she has been an active member and leader in the Lā‘ie community, serving on the P.T.A., including as President, on the Ko‘olauloa Hawaiian Civil Club, and the Lā‘ie Community Association including as President. She actively participated with the community in the *Hukilau* to raise funds to build the Lā‘ie Chapel of the Church of Jesus Christ of Latter Day Saints, and in the development of the Polynesian Cultural Center. She experienced the development, dedication and growth of the BYU-H campus and related changes in Lā‘ie. Auntie Gladys is a respected repository of the history and cultural traditions and practices in Lā‘ie.

Auntie Gladys shared the following information about the general project area and petition areas.

References used in the interview included an aerial photographic map of the campus and surrounding area with the petition areas outlined, and ground-level photographs of the petition areas.

Aunty Gladys noted the Temple building on the aerial map and noted that to the left (south) of the Temple lived the Ka‘io, Kanahele and Kekauoha families, and to the right (north) of the temple lived the Pukahi, Apuakehau, Kamauoha and Nainoa families. Aunty Gladys is a Nainoa, daughter of Sophia Nainoa Ke‘a. She noted that the area now occupied by the Temple View Apartments, including Petition Areas 1 to 4, was pasturage for cows owned by a Mr. Uale, or in sugar cane cultivation or overgrown with wild vegetation. Uale’s cows would often get loose and eat the plants in her yard. She recalls the train tracks that ran through what is now the BYU-H campus when it was in plantation use. (Note: The train tracks are documented in the 2017 Archaeological Inventory Survey prepared for the project. The train tracks ran generally north-south and were located east of Petition Areas 1 through 4 and through approximately the middle of Petition area 5. No evidence of the train tracks was found during the survey).

Aunty Gladys identified two cultural resources in the general area. One is Ni‘oi Heiau, which is located west and mauka from the petition area. It was abandoned, overgrown and not used for ceremonial or other cultural purposes in her lifetime or, to her knowledge, in present day. The second is Waiapuka, which is a natural inland pool formed by a hole in the underlying reef geology, fed by groundwater and influenced by the ocean waves and tides. Waiapuka is a historical place where the twins Laieikawai and Laielohelohe were born. Waiapuka is located at the north end of Lā‘ie, near the City and County of Honolulu Baseyard, nearly a mile away from the petition areas.

Comments by Aunty Gladys on the Petition Areas

Aunty Gladys looked at each of the six Petition Areas on the aerial map in turn and for each area stated that to her knowledge, there were no ceremonial or traditional cultural practices occurring in those areas when she was growing up and there are no ceremonial or traditional cultural practices occurring there today. She mentioned that near Petition Area 5 and Waialele Stream, when she was young, they would sometimes collect wild pāpapa beans (hyacinth bean, *Dolichos lablab/Lablab purpureus*, similar to soy and lima beans) to eat.

General Comments by Aunty Gladys regarding impacts and mitigation:

Aunty Gladys agrees with the following observations:

- The information and observations shared by Kela Miller and Cy Bridges is, to her knowledge, correct and true.
- There are no known traditional cultural resources or native Hawaiian customary and traditional practices within the petition areas and no traditional cultural resources or customary and traditional practices will be affected or impaired by the proposed project.
- It’s likely that the area around and including the petition areas was used for traditional gathering practices, such as gathering resources for lā‘au lapa‘au or subsistence purposes, but these areas haven’t been used in that fashion for many decades.

- The project will have no effect on access to historic and traditional cultural practices and resources.
- There are no concerns related to native Hawaiian customary and traditional cultural practices if the project proceeds.

Ka Pa‘akai Analysis Determination

The following determination is based on the information provided in the kūpuna interviews, the archaeological inventory survey and archaeological literature review and field inspections prepared for project, and documentation of current conditions in the petition areas.

Cultural Resources and Traditional Cultural Practices

The only known traditional cultural property (TCP) within the BYU-H campus property and the vicinity of the SLUDBA petition areas is the Ni‘oi Heiau, which is located approximately 1,000 feet to the west of the proposed 2.70-acre SLU Urban District expansion area. Ni‘oi Heiau is accessible through the BYU-H campus via Kulanui Street, the Academic Oval drive, Mikioneli Way and a dirt agricultural road, and is part of an area that is overseen by the BYU-H’s Hawaiian Studies Program. In 2010, the University, with the guidance of the Lā‘ie Kūpuna Council, developed and submitted to the DLNR the attached *Long-Term Preservation Plan for Ni‘oi Heiau*. The plan addresses access and maintenance, among other things and was approved by the State Historic Preservation Division (SHPD).

There are no traditional cultural practices in the petition areas. There are plants on the undeveloped lands in the vicinity of the petition areas that are traditionally used for medicinal, cultural and subsistence purposes, however these plants are common throughout the region and the project will not affect access to these resources. BYU-H is developing an ethnobotanical garden in the agricultural lands near the petition area as part of its Hawaiian Studies program to propagate plants used for traditional cultural purposes and to perpetuate knowledge about their use. The ethnobotanical garden program will not be affected by the project.

Historic Resources

The SLUDBA application document presents the findings of a 2017 Draft Archaeological Literature Review and Field Inspection (LRFI) report prepared by Cultural Surveys Hawai‘i, Inc. for the proposed campus expansion and SLUDBA application. A copy of the Draft LRFI is included in the SLUDBA application as Exhibit F.8. The Draft LRFI was received by the SHPD for review on September 6, 2017 (see enclosed Submittal Sheet for Historic Preservation Review Filing Fees). No surface historic properties were observed during the field inspection, and the LRFI determined that evidence of prior land use within the project area(s) had likely been removed or destroyed by subsequent land alterations, and therefore the proposed project will likely have no effect on historic properties. The LRFI recommended consultation with the SHPD to determine what, if any, historic preservation requirements are indicated.

In addition to the 2017 LRFI, an Archaeological Inventory Survey (AIS) report was prepared by Scientific Consultant Services Inc. (SCS) in 2012 for various locations outside of the SLU Urban District within the BYU-H PRU boundary, including portions of the proposed expansion area. An archaeological site, State Inventory of Historic Places (SIHP) Site No. 50-80-02-7298, was identified within the 10.00-acre Petition Area 5. SIHP No. 50-80-02-7298 consists of traditional-

type lithic scatter including 31 basalt and volcanic glass artifacts. State Site 50-80-02-7298 has been evaluated according to the criteria established for the Hawai‘i State Register of Historic Places (HAR§13-275-6) and was determined to be significant under Criterion D, for information content. The lithic scatter material documented in the 2012 report was collected during the field work and is no longer present at the site; the material is being curated by SCS.

On September 11, 2018, a meeting was held among Dr. Susan Lebo (SHPD, Archaeology Branch Chief); Morgan Davis (SCS); Franz Krainz (Department of Planning and Permitting, Planning Branch) and Jim Niermann of RMTc, planning consultant and representative for BYU-H, to discuss the current project and Hawaii Revised Statutes Chapter 6E Historic Preservation requirements. Based on the information provided in the submittal and consultation meeting, SHPD has no objections to BYU-H’s request to amend the SLU District Boundary to transfer approximately 14.85 acres from the SLU Agricultural District into the SLU Urban District to accommodate the planned expansion of the BYU-H campus. (See enclosed letter from SHPD dated September 12, 2018.)

Determination

Based on consultation with Lā‘ie kūpuna with knowledge regarding native Hawaiians’ exercise of customary and traditional practices in the petition area and vicinity, consultation with the SHPD and the findings of the resource studies, the proposed 14.85-acre SLUD Boundary Amendment is not anticipated to affect the rights customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians, and does not affect or impair any Hawai‘i State Constitution, Article XII, Section 7 uses, or the feasibility of protection of those uses.

The Applicant, BYU-H, will ensure continued access by native Hawaiians to Ni‘oi Heiau in accordance with the conditions set forth in the approved *Long-Term Preservation Plan for Ni‘oi Heiau*, and will ensure continued access by the Ka‘io ‘Ohana to the jointly owned kuleana lot located near, but outside of the petition areas.

Enclosures:

- Authorization forms signed by the interviewees
- Figure 1 – BYU-H Campus Expansion SLUDBA Petition Areas
- *Long-Term Preservation Plan for Ni‘oi Heiau*
- SHPD letter dated September 12, 2018 [Log No. 2018.01747, Doc No. 1809GC10]

March 6, 2019

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AUTHORIZATION FORM

Brigham Young University – Hawai‘i (BYU-H), is processing an application to amend the SLU District Boundary to transfer approximately 14.85 acres from the State Land Use (SLU) Agricultural District into the SLU Urban District to accommodate the planned expansion of the BYU-H campus. On behalf of BYU-H, Hawai‘i Reserves, Inc. (HRI) and R. M. Towill Corporation (RMTC), are conducting consultation with kūpuna, kama‘āina and cultural practitioners who have knowledge of traditional cultural practices and resources in the petition area to assist decision makers to fulfill the *Ka Pa‘akai Analysis* requirements for the subject SLU District Boundary Amendment Application. The *Ka Pa‘akai Analysis* is for the purpose of identifying and protecting native Hawaiian customary and traditional practices in accordance with Article XII, Section 7 of the Hawai‘i Constitution [Reference: *Ka Pa‘akai O Ka‘aina v. Land Use Commission*, 94 Haw. 31 (2000).]

Brigham Young University – Hawai‘i (BYU-H) appreciates the generosity of the kūpuna who are sharing their knowledge of cultural and historic resources and places, and experiences of past and present cultural practices. We understand our responsibility in respecting the wishes and concerns of interviewees participating in these interviews. We promise:

- To respect your right to review and make any additions, deletions or corrections to the information that you provide at any time that you wish.
- To give you a copy of the interview notes, the final *Ka Pa‘akai Analysis* report with information from your interview and a copy of this authorization form.

BYU-H asks for your written consent to use the information you shared, including notes and quotes from the interview, for public reports on cultural sites and practices, including for the *Ka Pa‘akai Analysis* report.

Authorization

I, Kekela Miller (name),
give my consent for the use of information I provided in the interview held on
2/27/2019 (date). I have been given an opportunity to review the content used in the
Ka Pa‘akai Analysis report and agree that to the best of my knowledge the information as
presented accurately represents my experience and input about customary and traditional cultural
resources and practices in the project area.

Kekela Miller
Signature

3/5/2019
Date

AUTHORIZATION FORM

Brigham Young University – Hawai'i (BYU-H), is processing an application to amend the SLU District Boundary to transfer approximately 14.85 acres from the State Land Use (SLU) Agricultural District into the SLU Urban District to accommodate the planned expansion of the BYU-H campus. On behalf of BYU-H, Hawai'i Reserves, Inc. (HRI) and R. M. Towill Corporation (RMTC), are conducting consultation with kūpuna, kama'āina and cultural practitioners who have knowledge of traditional cultural practices and resources in the petition area to assist decision makers to fulfill the *Ka Pa'akai Analysis* requirements for the subject SLU District Boundary Amendment Application. The *Ka Pa'akai Analysis* is for the purpose of identifying and protecting native Hawaiian customary and traditional practices in accordance with Article XII, Section 7 of the Hawai'i Constitution [Reference: *Ka Pa'akai O Ka'aina v. Land Use Commission*, 94 Haw. 31 (2000).]

Brigham Young University – Hawai'i (BYU-H) appreciates the generosity of the kūpuna who are sharing their knowledge of cultural and historic resources and places, and experiences of past and present cultural practices. We understand our responsibility in respecting the wishes and concerns of interviewees participating in these interviews. We promise:

- To respect your right to review and make any additions, deletions or corrections to the information that you provide at any time that you wish.
- To give you a copy of the interview notes, the final *Ka Pa'akai Analysis* report with information from your interview and a copy of this authorization form.

BYU-H asks for your written consent to use the information you shared, including notes and quotes from the interview, for public reports on cultural sites and practices, including for the *Ka Pa'akai Analysis* report.

Authorization

I, JLadys K. Puaohok-Enos Ahnau (name),
give my consent for the use of information I provided in the interview held on
4 May 2019 (date). I have been given an opportunity to review the content used in the
Ka Pa'akai Analysis report and agree that to the best of my knowledge the information as
presented accurately represents my experience and input about customary and traditional cultural
resources and practices in the project area.

Signature

Date

AUTHORIZATION FORM

Brigham Young University – Hawai‘i (BYU-H), is processing an application to amend the SLU District Boundary to transfer approximately 14.85 acres from the State Land Use (SLU) Agricultural District into the SLU Urban District to accommodate the planned expansion of the BYU-H campus. On behalf of BYU-H, Hawai‘i Reserves, Inc. (HRI) and R. M. Towill Corporation (RMTC), are conducting consultation with kūpuna, kama‘āina and cultural practitioners who have knowledge of traditional cultural practices and resources in the petition area to assist decision makers to fulfill the *Ka Pa‘akai Analysis* requirements for the subject SLU District Boundary Amendment Application. The *Ka Pa‘akai Analysis* is for the purpose of identifying and protecting native Hawaiian customary and traditional practices in accordance with Article XII, Section 7 of the Hawai‘i Constitution [Reference: *Ka Pa‘akai O Ka‘a‘ina v. Land Use Commission*, 94 Haw. 31 (2000).]

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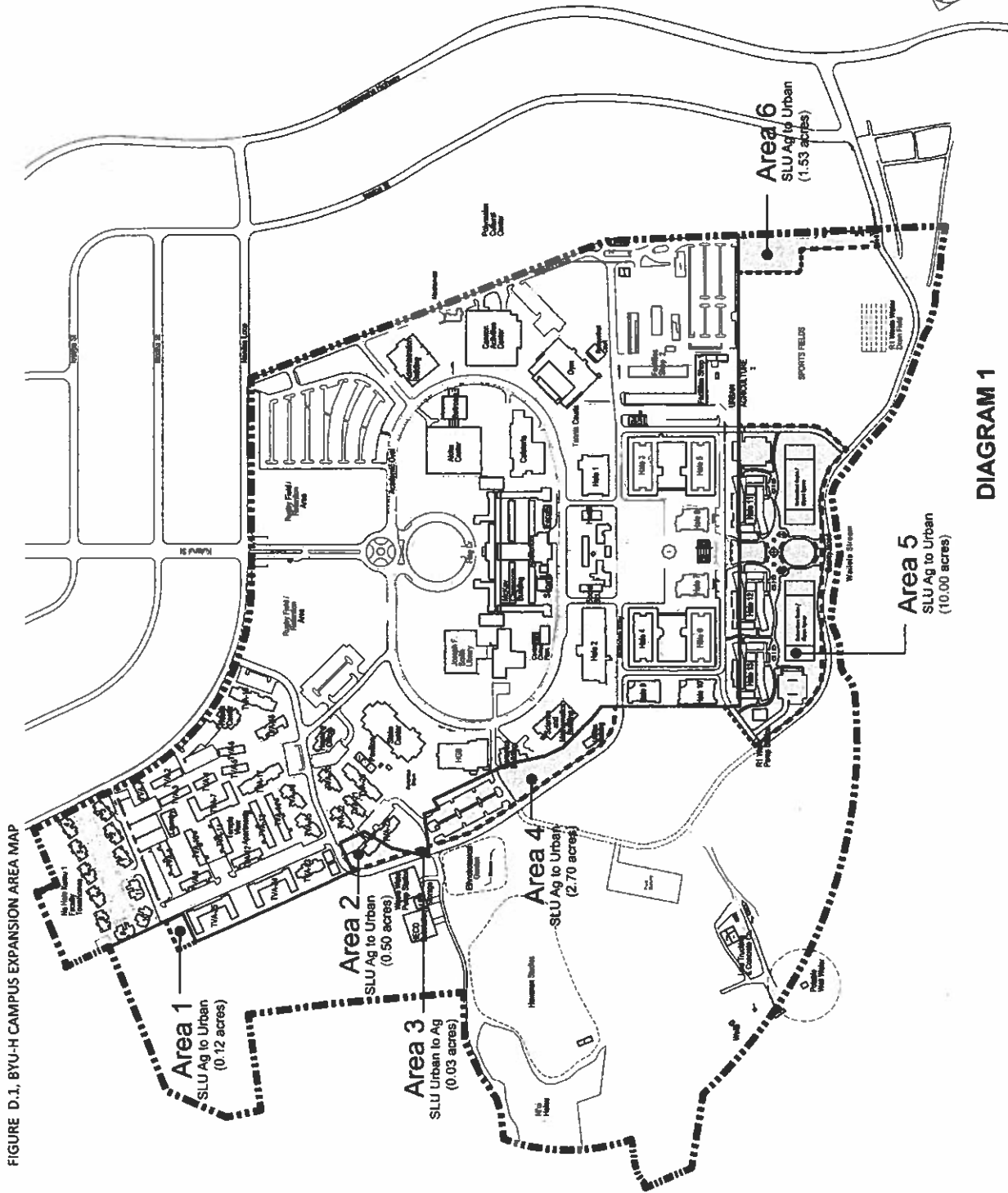
Authorization

I, CY BRIDGES (name),
give my consent for the use of information I provided in the interview held on
27th Feb 2019 (date). I have been given an opportunity to review the content used in the
Ka Pa‘akai Analysis report and agree that to the best of my knowledge the information as
presented accurately represents my experience and input about customary and traditional cultural
resources and practices in the project area.

Signature

Date

scale 1"=400' for 11x17
Figures are approximate and should be used only for conceptual planning purposes only



LONG-TERM PRESERVATION PLAN

NI'OI HELAU, SITE 281

Prepared by
Jonathan Napela Center for Hawaiian and
Pacific Islands Studies
Brigham Young University Hawai'i
La'ie, Hawai'i

June 30, 2010

Prepared for the
Honolulu City Council and State Historic Preservation Division
Department of Land and Natural Resources

CONTENTS

SUMMARY	1
DELAY IN FILING	1
PLAN PROCEDURES	2
LONG-TERM PLAN OBJECTIVES	2
PLAN DELINEATION	3
COMMUNITY INPUT	3
SITE TOPOLOGY	4
RECOMMENDATIONS	
I. PRESERVATION	4
a. Maintenance.....	5
b. Fencing	5
c. Continuous Ongoing Study	6
II. PUBLIC ACCESS.....	6
III. SIGNAGE.....	8
IV. BURIAL TREATMENT PLAN.....	8
CONCLUSION	9
SOURCES	9
Exhibit A – Map of Archaeological of Site 281 (4460) in La’ie.....	12
Exhibit B – Close up Map of 281 (4460) in relation to LWRF.....	13

SUMMARY

This report outlines the long-term comprehensive plan for preservation of the Ni'oi heiau **Site 281** (in McAllister, 1933, same as **Site 4460** in Dunn and Rosendahl, 1992), in compliance with the State Historic Preservation Division's standard procedures. It represents the combined efforts and commitment of Brigham Young University Hawai'i and Hawaii Reserves Inc. (HRI), to the La'ie Community, the City and County of Honolulu, and the State of Hawai'i.

The long-term plan presents a follow-up to the Final Interim Preservation Plan (FIPP) filed on February 5, 1996 by Hawaii Reserves Inc. This report is submitted by Brigham Young University Hawai'i with advisement from HRI. BYUH is the legal owner of the land, and the Hawaiian Studies program in the Jonathan Napela Center for Hawaiian and Pacific Islands Studies at BYUH will assume primary responsibility for preservation of Ni'oi heiau.

DELAY IN FILING

As proposed in the FIPP it had been HRI's intent to work closely with the newly created Hawaiian Studies program (1998) to incorporate the Ni'oi heiau into its academic and cultural enrichment objectives. Completing the final plan also necessitated handing off the creation of the plan from HRI, who wrote the FIPP, to BYUH. Mitigating factors which included the long-term illness of the late Director of the Hawaiian Studies program, William Kauaiwiulaokalani Wallace, culminating in his passing, delayed completion and filing of the long-term plan.

During the period since the filing of the FIPP (1996) until now, Ni'oi heiau has remained undisturbed with Hawaiian Studies staff watching over the area and ensuring that no activity on the heiau other than periodic visits by staff, faculty accompanied students, and local kupuna. The site remains in a natural state. There have been no disturbances to the site since the interim report with the exception of minimal restorative effort to clear some brush leading up to the heiau.

In September 2009, HRI brought the issue regarding the overdue long-term plan and the need for it to be filed with the Department of Land and Natural Resources (DLNR) to the attention of the new director of the Napela Center for Hawaiian and Pacific Islands Studies, Dr. Hiagi M. Wesley. Since that time the center has researched the archaeological, historical, and ethnographic documents, and has sought community input from the local La'ie Kupuna Council in order to provide an informed long-term plan.

PLAN PROCEDURES

In accordance with its commitment to the La'ie Community, the City and County of Honolulu, and the State of Hawai'i, HRI agreed to a two-step process of site preservation. The first step was the filing of the FIPP (February, 1996) with the Division of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD).

The second step called for a long-term plan for the preservation of the Ni'oi heiau. The Napela Center for Hawaiian and Pacific Islands Studies at BYUH has assumed responsibility for creation of the long-term plan in consultation with HRI.

LONG-TERM PLAN OBJECTIVES

The Long-Term Plan for Site 281 (4460) focuses on four main objectives:

- (1) Provide a responsible preservation and maintenance plan for Site 281.
- (2) Accessibility to the site - Provide appropriate access with proper limitations that balances the public's desire to visit the site against safety considerations and the need to protect it from damage.
- (3) Signage designating the site – Determine appropriateness of signage if at all, and verbiage if necessary.
- (4) A burial treatment plan for previously identified skeletal remains inadvertently discovered during quarrying (1995).

PLAN DELINEATION

The Long-Term Preservation plan does not:

- o Address other identified historical sites in the ACS (Area of Cultural Significance), but will be restricted to the Ni'oi heiau on BYUH property.
- o The LWRF (La'ie Water Reclamation Facility) began its new operations on 27 June 1997. Since that time such factors as dust, noise, view and odor do not pose an unwarranted nuisance or danger to the Ni'oi heiau.
- o Since quarrying activities ceased upon finding the *iwi* on 10 May 1995, the threat to the site raised in the FIPP (1996) no longer remains. HRI monitors and ensures that no activity in the adjacent area affects the Ni'oi heiau.

COMMUNITY INPUT

This Long-Term Plan was developed out of discussions with and feedback from the La'ie community and the La'ie Kupuna Council in a variety of meetings. Similar recommendations by the community found in a preliminary draft report produced by HRI (September, 1996) were included with the current recommendations of the council.

The La'ie Kupuna Council members were invited to attend a meeting called by the Napela Center on the BYUH campus, March 1, 2010. Additionally, the La'ie Kupuna Council met on at least two occasions at Kahua'ola, below Site 281(at 4458), to deliberate and make decisions independently. In the two independent meetings, key kupuna including Gladys Pualoa Auna, Kela Miller, Ahi Logan, Cy Bridges and Mr. and Mrs. Randolph Kekau'oha, and Dawn Wasson attended. In the last meeting on March 10 Joe Ah Quin joined the same individuals identified above. Dawn Wasson was contacted but did not attend. Cy Bridges served as the spokesman for the Kupuna and relayed the feelings and decisions of the group to the BYUH Napela Center director.

SITE TOPOLOGY

The Ni'oi heiau, Site 281 (4460) sits on a discrete topographical feature 195 feet high. On the kai-side (east) and northern side of the site, the abrupt cliffs and tall jarring coral outcropping create a natural barrier to accessing the Ni'oi heiau. On the southern side facing the old quarry the steep rise in the hill as well as the thick stands of California grass, cane, *koa* and *hau* trees serve as natural deterrents for intruders. On the mauka-side (west), *koa* and *hau* trees as well as thick stands of reeds and bushes make accessibility prohibitive. The site is separated from the LWRF by about 340 to 350 feet with an uneven and upward gradation including vegetation (FIPP pp. 3-4).

RECOMMENDATIONS

I. PRESERVATION

Preservation is....the act or process of utilizing procedures to maintain the existing form, integrity, and material of a structure, and the existing form and vegetative cover of a site (36 CFR Part 60.2[b]).

Consistent with this definition of preservation and the recommendations of archaeological consultants, Dunn and Rosendahl (1992) and Mitchell (Memorandum 1995), BYUH Hawaiian Studies will preserve Site 281 "as is". This applies to the structure and its natural topology including the vegetation.

It is also the expressed decision of the La'ie Kupuna council that this site, viewed by the Hawaiians as sacred, should remain in its "natural state" for this represents "the ancestors' way of keeping sacred places." (Cy Bridges, March 18, 2010)

In order to preserve the Ni'oi heiau in its natural state, the subsequent recommendations will be followed:

Most of the existing vegetation will be left in place as it adds to the physical protection of the site. The buffer that surrounds the site averages over 100 feet and will remain in perpetuity. Most of the buffer comprises dense tree cover and lower vegetation such as *hau*.

BYUH Hawaiian Studies will continue to safeguard the Ni'oi heiau "as is" within the recognized buffer. This will include regular monitoring of the site to ensure that current conditions are maintained and that there are no imminent disturbances.

A. MAINTENANCE

The Hawaiian Studies program of the Napela Center at BYUH will be responsible for the maintenance of the Ni'oi heiau. This will include consistently removing any litter and unwanted debris from the site. This maintenance plan includes identification of the unsafe or deteriorated portions of the site and development of a plan to strengthen it by adhering to state law.

Clearing or removal of the vegetation on the Ni'oi heiau is prohibited since it could disturb and possibly alter the topographical surface or compromise the vulnerable archaeological remains of the Ni'oi heiau.

The only clearing permitted will be at the base of outcropping on the side facing the LWRF, well removed from the heiau structure on the top. Students from BYUH Hawaiian Studies program and members of the La'ie community will clear the *hale koa* trees and debris.

B. FENCING

Since the Ni'oi heiau is to be left in its natural state, and because natural barriers protect the north and east facing boundaries, it is the consensus of the interested parties to erect an inconspicuous barrier fence of a single cable to run the length of west and south borders. This is to prevent encroachment by farming activities in the area and inhibit inadvertent encroachment on to the property. The La'ie Kupuna Council and BYUH have determined this simple barrier will protect the sight while avoiding a more prominent fence that may draw curiosity seekers and entice unauthorized guests to the Ni'oi heiau. The orange construction fence erected on the south slope to delineate Site 281 during the quarrying period is no longer needed since such activities have ceased. The remains of this fence will be removed.

C. CONTINUOUS ONGOING STUDY

The Hawaiian Studies program will actively study the flora and fauna, the topographical formation, as well as the historical and cultural features of the Ni'oi heiau to preserve Site 281. The program will continue to incorporate as part of its ongoing and long-range curriculum the study of Ni'oi heiau through collaborative efforts with other professionals from within and outside the university, including botanists, geologists, historians, and archaeologists. Continuous study will help address questions concerning the history and cultural significance of the site. The Hawaiian Studies program may publish information explaining any findings from time to time.

To ensure maintenance of the Ni'oi heiau's natural state any efforts by the BYUH Hawaiian Studies program to conduct research or improve interpretation of Site 281 shall meet the requirements set forth in the DLNR-SHRD administrative rules.

II. PUBLIC ACCESS

In determining public access to Site 281 (4460), it is important to consider the following factors contained in the FIPP (1996):

- 1) there is no documented history of a continuous thread of use, even intermittently, of the site as a heiau where human sacrifices were conducted; 2) the site is remote enough that an unsupervised general accessibility plan might encourage rather than discourage visitation... 3) since the raising of the Ni'oi heiau issue, there has been added damage done to the site by itinerant curiosity seekers; and 4) that the site and its access roads are on private property, and that the landowner has a stewardship and liability over that property.

Therefore, any and all plans for accessibility must be tempered by equal concerns for preservation and protection of the site, lest accessibility lead to irreversible damage to the Ni'oi heiau. (FIPP, p.6)

The report also identifies the need for the landowner's protection from possible liability due to injury to people visiting or staying at Site 281. (FIPP, p.6)

The Ni'oi heiau will not be locked. It will be used by the students and faculty of BYUH as a classroom to learn and study about the history of Hawaiian people and their environment.

It will be open to restricted visitors who must adhere to the following:

1. Submit written requests for reasonable and non-confrontational access to Site 281 to the Director of the Jonathan Napela Center for Hawaiian and Pacific Islands Studies program.
2. Visitors will be required to complete the Assumption of Risk and Limited Release Agreement which include the requirements for visiting the Ni'oi heiau. Any visitors to the site must sign a release and waiver acknowledging that they are on private property, and are entering at their own risk.
3. Visiting hours to the Ni'oi heiau will be from 8 a.m. – 5 p.m., Monday through Friday, or at other appropriate times by special arrangement with the Director of the BYUH Jonathan Napela Center.
4. Visitors must adhere to HRS Chapter 6E-11 governing historic properties on private lands. They must not take, move, remove, or wrap rocks at Site 281 or commit any waste on or damage to the premises.
5. Visitors will not be allowed to cut, deface, or damage the vegetation and topographical features of the site.
6. Visitors will not commit any activity that may resemble or be related to a *luakini* (human sacrifice), or perform any activity that is illegal or prohibited by law.
7. Visitors will not build fires on the site. This might destroy the site or alter the overall topographical forms.
8. Visitors will not hold parties or any type of activity which will detract from the sacredness of the Ni'oi heiau.
9. Visitors will not be allowed to camp or stay overnight on the site.

10. Visitors to the site will be accompanied by a regular full-time employee of the Hawaiian Studies Program.
11. Visitors will be prosecuted for trespassing on the property or failure to comply with the specific conditions outlined above.

III. SIGNAGE

Reiterating the preservation plan to leave the site in its natural state, the La'ie Kupuna Council and the landowner (BYUH) recommend **signage should not be used** to designate the location of the Ni'oi heiau. Usage of signs will draw undue attention to the heiau and may invite unwanted intruders.

Commensurate with this recommendation, plaques, monuments or any type of symbol or physical feature resembling that of a sign will be prohibited at Site 281.

IV. BURIAL TREATMENT PLAN

Active bulldozing at the quarry ceased in May, 1995. A memorandum from Sara Collins, Ko/La/Mo Archeologist, dated 12 May 1995, indicates that bones turned up by these activities were recovered at three locales. These remains were subsequently reinterred in the La'ie Cemetery under direction of the State Historic Preservation Division. Since that date the sites for the discovered graves have been left intact and remain undisturbed with vegetation cover making the sites now unrecognizable. BYUH Hawaiian Studies proposes that any residual skeletal remains be left at Site 281 undisturbed and protected by the natural buffers comprised of heavy vegetation growth and the steep embankment. No activity will be permitted around or near the burial sites including cleaning or removal of vegetation.

CONCLUSION

This Long-Term Plan will ensure that the BYUH Hawaiian Studies Program retains responsibility for the maintenance and preservation of the Ni'oi heiau. Integrating the study of the heiau into the program's curriculum will increase knowledge about Hawaiian history and culture. Learning about the natural flora and fauna, topographical forms and the cultural significance of the site will provide increased knowledge to students and the community.

The Long-Term Plan represents collaboration between the university and the La'ie Kupuna Council. The council members want to preserve the Ni'oi heiau as a sacred location. They do not want the property desecrated or used inappropriately. They wish for the BYUH Hawaiian Studies program to assume full responsibility for the overall protection and maintenance with continued input from the community and council.

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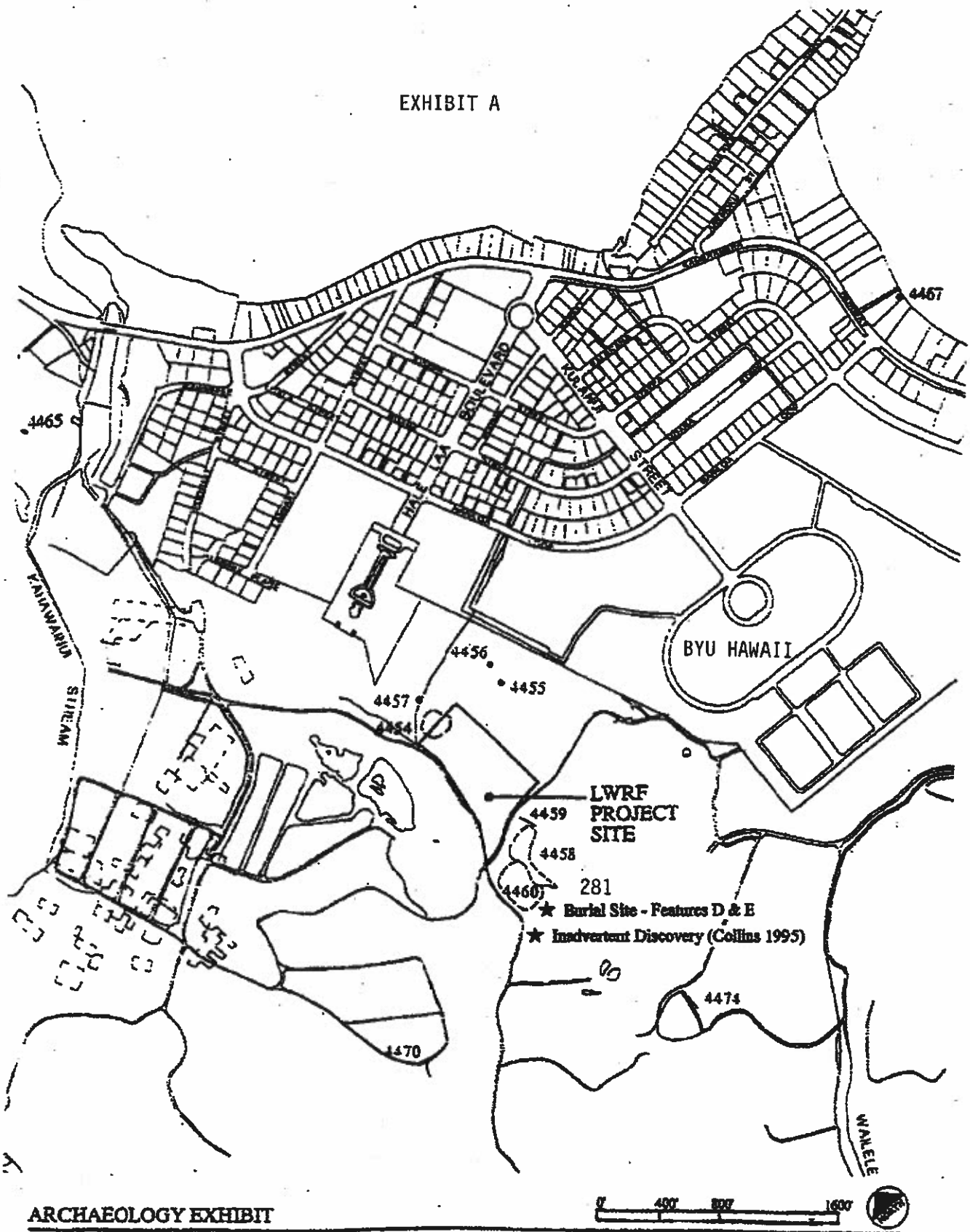
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Ordinance 95-65 and 95-66, City and County of Honolulu, (November 21, 1995).

Reburial Agreement, Contract between Zions Securities and the State of Hawaii, Board of Land and natural Resources, Regarding skeletal remains of unidentified individual(s) inadvertently discovered on Zions Securities property with a provision to provide perpetual protection to the reburial site, (August 12, 1993).

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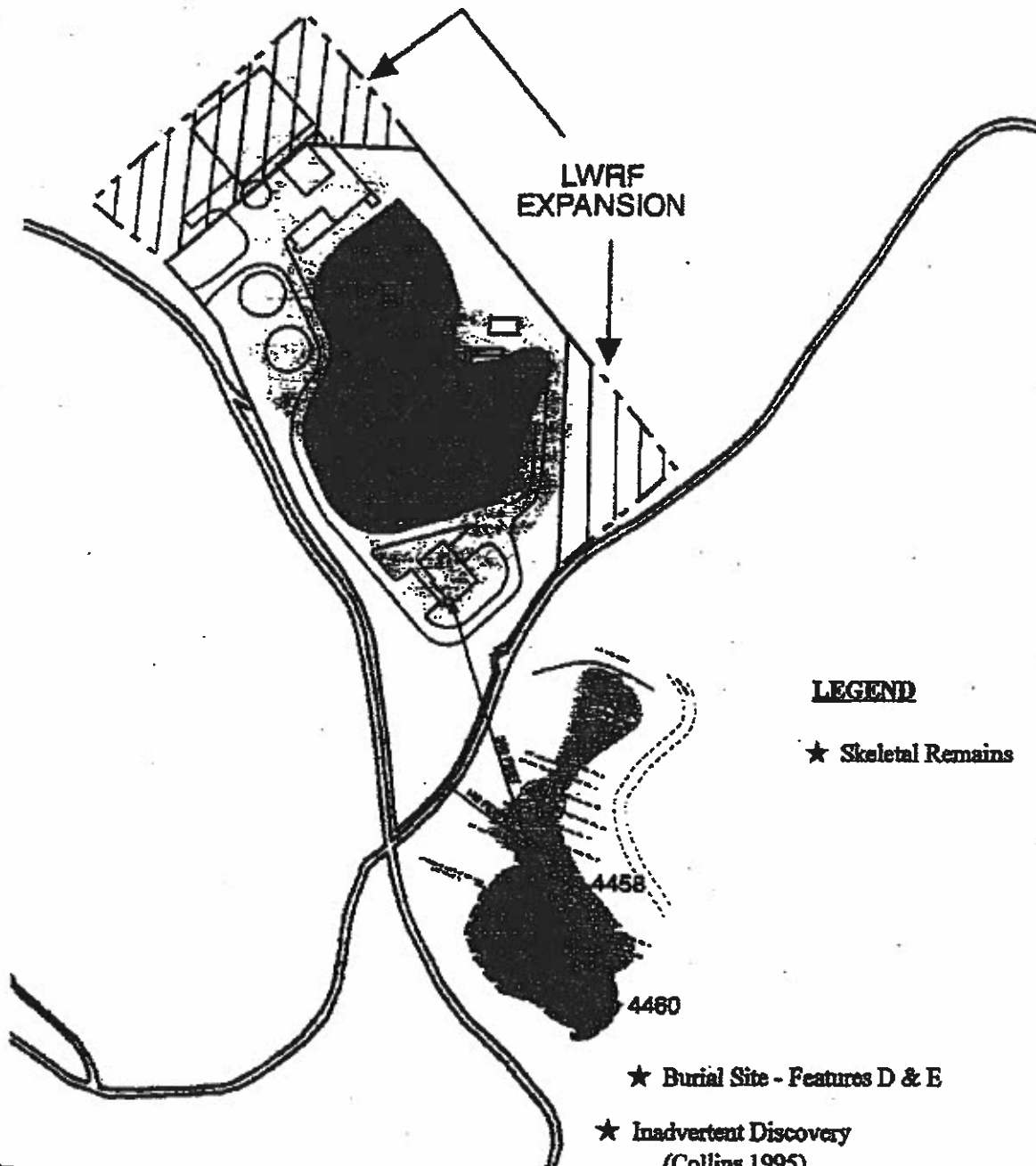
EXHIBIT A



ARCHAEOLOGY EXHIBIT

LAIE WATER RECLAMATION FACILITY SEIS

EXHIBIT B



RELATIONSHIP OF THE LWRP TO
NIOI HEIAU & ASSOCIATED SITE 4458

LAIE WATER RECLAMATION FACILITY SEIS

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 12, 2018

Russell Y. Tsuji, Land Administer
Land Division, Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809
c/o Lydia.M.Morikawa@hawaii.gov

IN REPLY REFER TO:
Log No. 2018.01747
Doc No. 1809GC10
Archaeology

Raymond Young, Acting Chief
Department of Planning and Permitting, City and County of Honolulu
Community Planning Branch
650 South King Street, 7th Floor
Honolulu, HI 96813
c/o fkraintz@honolulu.gov

Dear Mr. Tsuji and Mr. Young:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Request for Comments – Petition for a State Land Use District Boundary Amendment
Of Less than 15 Acres for the Planned Expansion of Brigham Young University – Hawaii
Lā'iewai Ahupua'a, Ko'olaupua District, Island of O'ahu
TMK: (1) 5-5-006:005 por. and 032 por.**

This letter provides the State Historic Preservation Division's (SHPD's) comments on the subject submittal. The applicant, Brigham Young University-Hawaii (BYU-H), requests to amend the State Land Use (SLU) District Boundary to transfer approximately 14.85 acres from the SLU Agricultural District into the SLU Urban District to accommodate planned expansion of the BYU-H campus. The proposed boundary amendment involves five non-contiguous areas located adjacent to the existing SLU Urban District within TMK: (1) 5-5-006:005 and 032. The SHPD received this submittal on July 27, 2018.

The BYU-H campus is located within a 210.8-acre area identified as TMK: (1) 5-5-006:005, 032, and 035. These lands are located within the SLU Urban and Agricultural Districts. The existing and developed campus facilities including academic buildings, university housing, student amenities, administration and support facilities, located within the SLU Urban District, totaling approximately 110.8 acres. The SLU Agricultural District, totaling approximately 100 acres, primarily contains open space, limited agricultural cultivation, a cultural preservation area (*Ni'oi Heiau*), a Hawaiian Studies area, an Ethnobotanical Garden and Biology Research area, the Lā'ie Trucking Company, LTD operation yard, agricultural roads, and various utilities.

The proposed 14.85-acre SLU Urban District expansion consists of five non-contiguous areas adjacent to the existing campus facilities, as shown on BYU-H on page 1 of the submittal, and a 0.03-acre (Petition Area 3) triangular area located on West Road Loop Extension. The proposed petition/expansion areas include:

Russell Tsuji and Raymond Young
September 12, 2018
Page 2

- Petition Area 1 (0.12-acre) future expansion area is located adjacent to Temple View Apartment Building (TVA) 25;
- Petition Area 2 (0.50-acre) future expansion area located adjacent to TVA 27;
- Petition Area 3 (0.03 acre) proposed transfer from SLU Urban to Agriculture area bounded by TVA 27 to the northwest, parking lot to southwest;
- Petition Area 4 (2.70-acres), possible expansion area, existing uses includes a parking lot, stormwater detention area, Electric Utilities Transformer and Telecommunications Building;
- Petition Area 5 (10.0-acres), future development of student dormitories; and
- Petition Area 6 (1.53-acres), existing parking lot serving the Polynesian Cultural Center and BYU-H, the proposed boundary amendment will bring the parking lot use into conformance with HRS §205.

On September 11, 2018, a meeting was held between Susan Lebo [SHPD, Archaeology Branch Chief]; Morgan Davis [Scientific Consultant Services, Inc.]; Franz Krainz [Department of Permitting and Planning (DPP), Planning Branch] and RM Towill Corporation consulting representatives to discuss the current project and Hawaii Revised Statutes 6E requirements.

Based on the information provided in the submittal and consultation meeting, SHPD has no objections Brigham Young University-Hawaii (BYU-H) request to amend the State Land Use (SLU) District Boundary to transfer approximately 14.85 acres from the SLU Agricultural District into the SLU Urban District to accommodate planned expansion of the BYU-H campus.

SHPD requests the opportunity to review future permits for proposed projects involving development and/or ground disturbing activities within the subject project area.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy, State Historic Preservation Officer

Brigham Young University - Hawai'i

State Land Use District Boundary Amendment



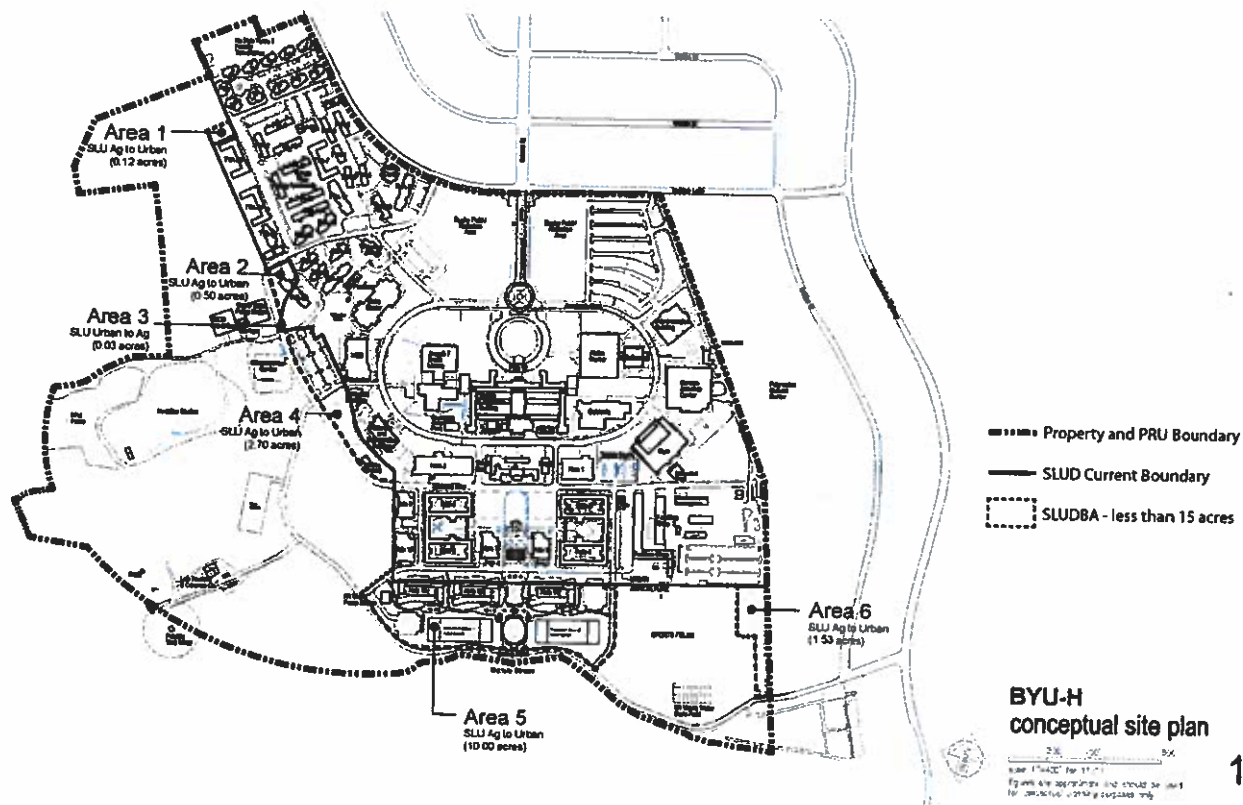
City Council - Zoning & Housing Committee Presentation | February 28, 2019

BYU-H Expansion Project Purpose

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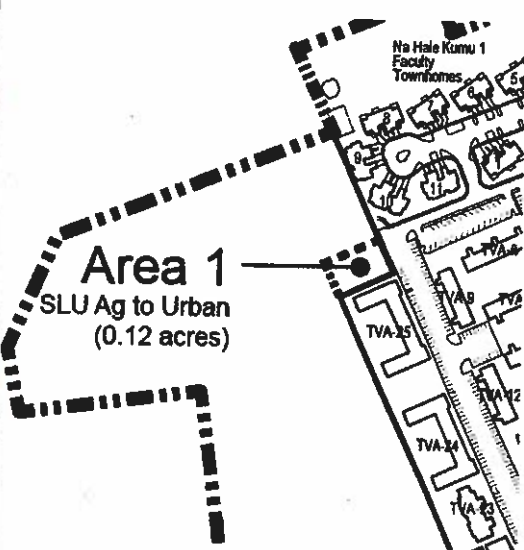
- Replace obsolete structures, improve the open spaces, increase circulation and drainage detention.
- Increase educational opportunities to target area students (Hawai'i, Asia-Pacific Rim)
- Enhance student success rate by housing more students on campus.
- Improve level of sustainability.
- Renew housing stock on campus.

BYU-H Expansion
SLUD Boundary Amendment

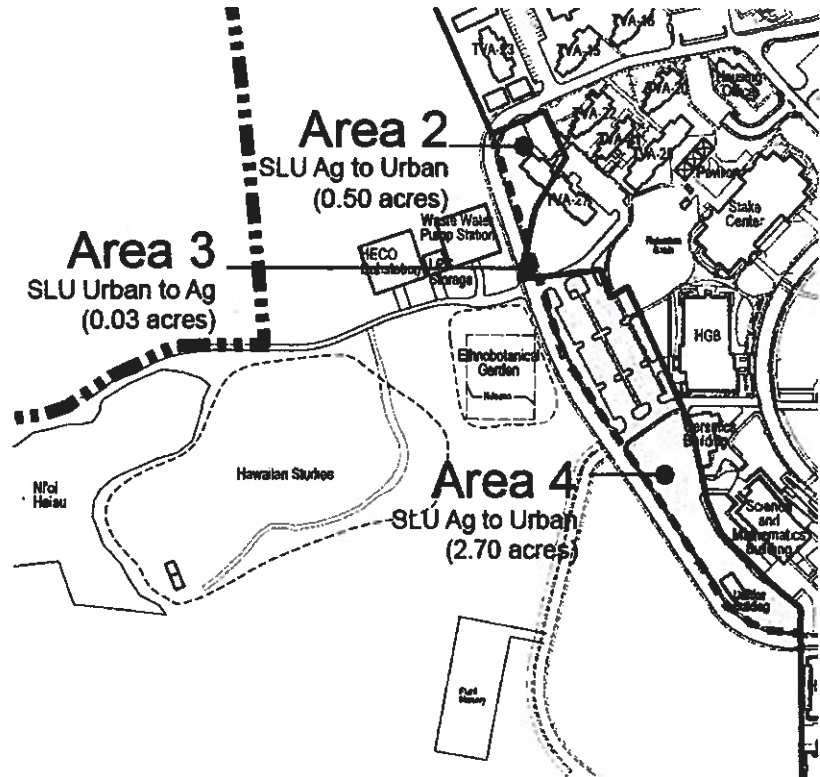
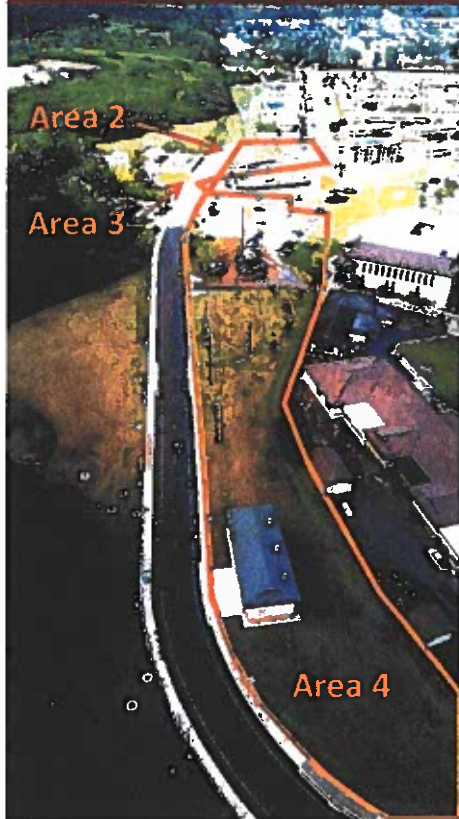


BYU-H Expansion SLUD Boundary Amendment Petition Area 1

BYU-H Expansion
SLUD Boundary Amendment
Petition Area 1



BYU-H Expansion
SLUD Boundary Amendment
Petition Areas 2, 3, and 4



BYU-H Expansion
SLUD Boundary Amendment
Petition Areas 2, 3, and 4



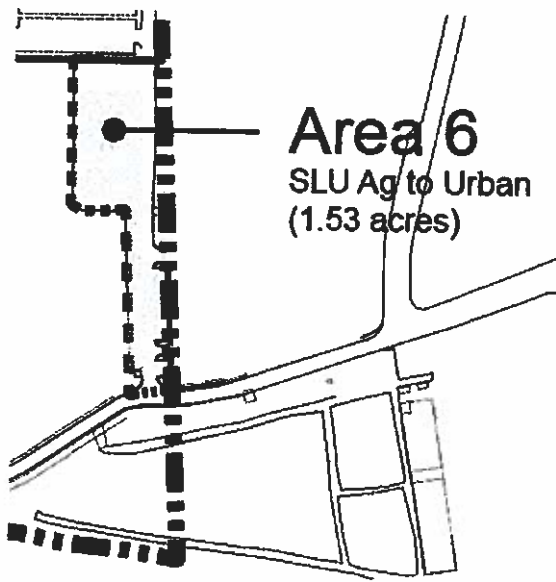
BYU-H Expansion
SLUD Boundary Amendment
Petition Area 5



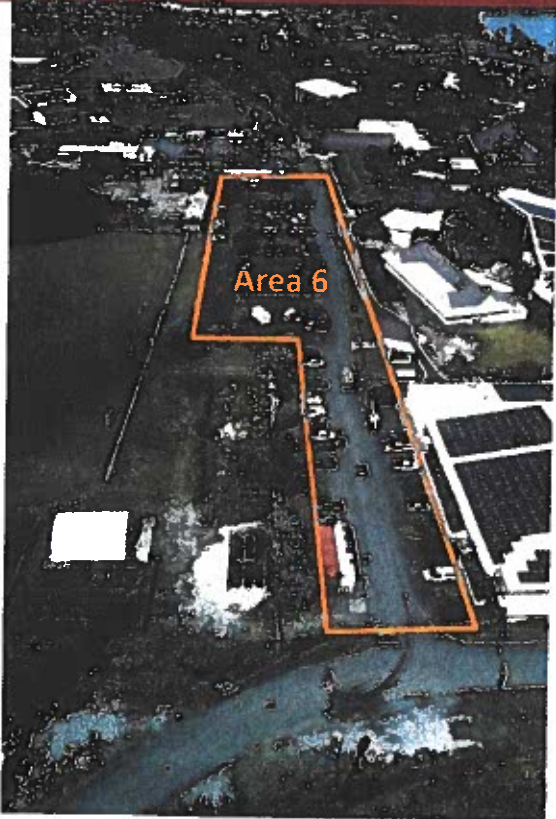
Area 5
SLU Ag to Urban
(10.00 acres)



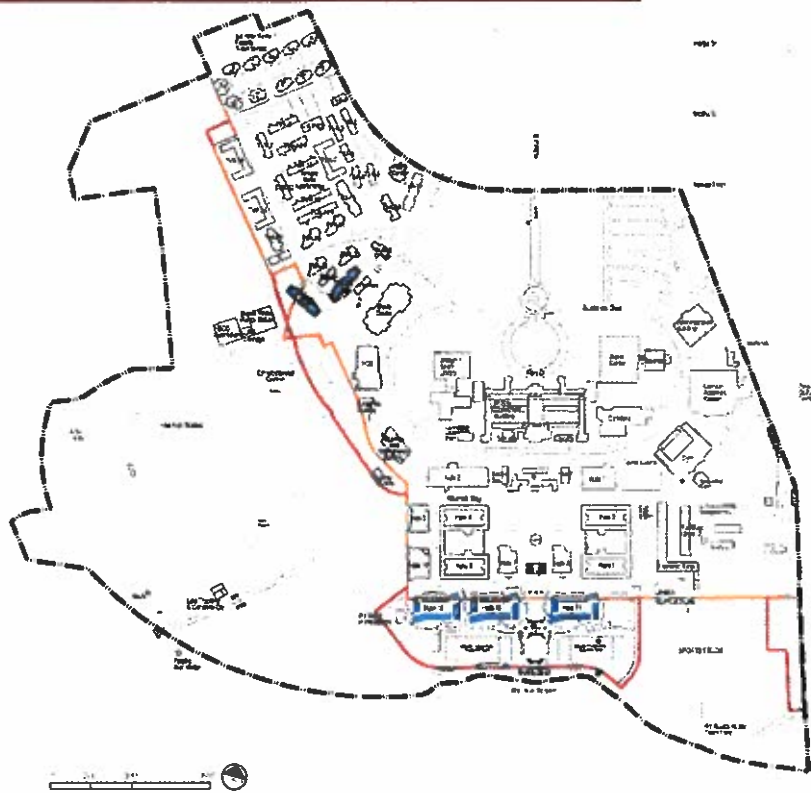
BYU-H Expansion
SLUD Boundary Amendment
Petition Area 6



Area 6
SLU Ag to Urban
(1.53 acres)



BYU-H Expansion Project Areas



PRU FIVE-YEAR CAMPUS MASTER PLAN

Proposed Campus Expansion Plan

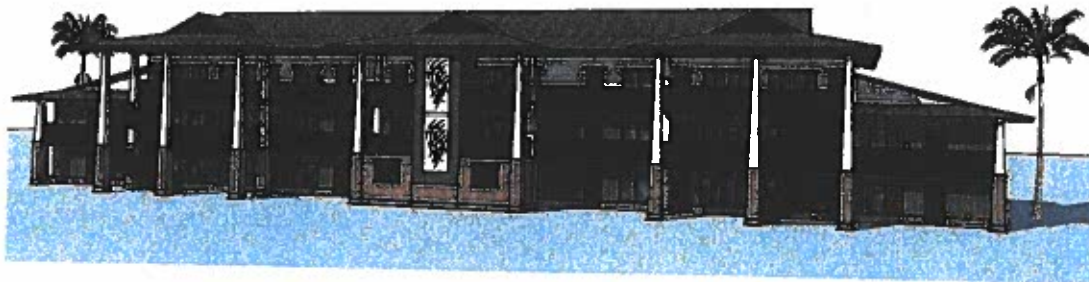


BYU-H Single Student Housing Conceptual Rendering



BYU-H Married Student Housing
Conceptual Rendering

11



BYU-H Expansion
Potential Impacts and Mitigation Efforts

12

- Housing
 - Relieve overcrowded rental housing conditions.
 - On-campus housing is more conducive to academic success.
 - Gradual transition to allow rental housing market to adapt.
- Drainage
 - Increase in storm water retention on campus.
 - Smaller building footprints, vertical density, front field retention improvements.
 - Enhanced maintenance of campus drainage system.
 - Net zero increase in runoff from campus facilities.

BYU-H Expansion
Potential Impacts and Mitigation Efforts

- Traffic
 - 14% of the student body owns vehicles
 - 60% of new students will be international students who will not own vehicles and 15% of new students will be Hawaii students
 - Off campus students with cars will be relocated to campus, reducing cars in the residential community
- Transportation program:
 - Roberts School Bus exchange of services
 - Shuttle vans
 - Enterprise rent a car by the hour

BYU-H Renovation and Expansion

Mahalo!